

REMARKS/ARGUMENTS

In the Final Office Action mailed March 29, 2005, claims 1-2, 5, 7-9, 10-11 and 16 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 4,975,634 to *Shohet*. In addition, claims 6, 15, 17 and 19-23 were rejected under 35 U.S.C. 103(a) to *Shohet*.

The amendment to independent claims 1, 10 and 15 introduces the element that the offset reference clock signal “moves relative to a transition point for bits of the digital signal”. Support for the amendment can be found in the Specification, page 2, line 26, to page 3, line 3. No new matter is added by the amendment, and claims 1-3, 5-12, and 15-23 are pending in the application. Reconsideration and withdrawal of the rejections is respectfully requested in light of the amendment, and the remarks that follow.

The Rejections of the Claims over *Shohet* is Addressed

The rejection of claims 1-2, 5, 7-9, 10-11 under § 102(b) over *Shohet*, and the rejection claims 6, 15, 17 and 19-23 under § 103(a) over *Shohet*, is made moot by the amendment to claims 1, 10, and 15, which specifies that “the offset reference clock signal moves relative to a transition point for bits of the digital signal”. As noted in the Specification starting at page 2, line 26:

The effect of the offset of the reference clock signal is that the sampling point is not fixed relative to the transition point over the bits of the input, signal, but instead moves relative thereto. The sampling points are then arranged such that, in the absence of the offset and in the absence of jitter, there is a predetermined number of sampling points (normally only one, but this is not essential) in each successive bit.

In order for the offset reference clock signal to move relative to the bits of the digital signal, the predetermined frequency offset cannot be a harmonic of the digital signal. If the reference clock signal frequency were offset by a harmonic of the digital signal (e.g., the second, third, fourth harmonic, *etc.*) then the clock signal would remain fixed relative to the

transition points of the bits of the digital signal, and the sampling window defined by the reference clock would not sweep across the bit profile of the digital signal.

In contrast, *Shohet* described a jittered clock signal f_j as being a harmonic of the reference clock signal f_R used to measured the jitter in the signal f_j . *See Shohet*, col. 3, ll. 4–9. The reference also described the use of a high frequency clock signal f_H to measure the phase difference between the jittered clock and reference clock. *See id.*, col. 3, ll. 16–22. Adjusting the phase of the reference clock signal relative to the jittered clock signal does not change the frequency of either signal. After a phase adjustment, the reference clock and jittered clock signals remain fixed with respect to each other (except for jitter) during the jitter measurement. Thus, the frequencies of the two signals must either be the same or harmonics of each other. There is no description or suggestion in *Shohet* that a predetermined frequency offset between a frequency of the reference clock signal (e.g., f_R) and a digital signal (e.g., f_j) be set so that the reference clock signal moves relative to a transition point for bits of the digital signal.

Shohet neither describes nor suggests all the elements of amended claims 1, 10, and 15, and these claims are allowable over the reference. For at least the same reason, claims 2–3, 5–9, 11–12, and 16–23, which depend from claims 1, 10 and 15, respectively, are also allowable over *Shohet*. Accordingly, withdrawal of the rejection of claims 1–2, 5, 7–11, and 16 under 35 U.S.C. § 102(b), and claims 6, 15, 17, and 19–23 under § 35 U.S.C. § 103(a) over *Shohet* is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 09/674,444
Amdt. dated June 29, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2634

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Eugene J. Bernard
Reg. No. 42,320

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
GB:bhr
60519267 v1